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IN THE HIGH COURT OF KARNATAKA AT BANGALORE.

DATED THIS THE 3RD DAY OF APRIL, 1998.

BEFORE

THE HON'BLE MR. JUSTICE CHANDRASHEK ARAIAH.

WRIT PETITION No. 36527 OF 1997.

Between:

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K. Venugopal,
s/o. late Y. Krishnamurthy rao,
No. 63/1-1 2nd cross,
Raghavendra colony Chamarajpet,
Bangalore. ... Petitioner.

(Sri. K. ~~R~~. Laxminarayana rao).

And:

The Commissioner,
Corporation of City of
Bangalore, N.R. Road,
Bangalore.

2. The Asst. Executive Engineer,
Chamarajpet sub-Division,
Corporation of City of Bangalore,
Bangalore. ... Respondents.

(Sri. K.N. Puttegowda).

This writ petition is filed under
Article 226 of the Constitution of India
praying to quash Annexure-F dt. 9.10.97
etc.,

This writ petition coming on for ^Prl.
hearing this day, the court made the follow-
ing : -

2.

Q R D E R

The petitioner has made an application for sanction of building plan for the purpose of construction of the building on the property bearing No. 63/1-1, Raghavendra colony, Ward No. 46, Bangalore. On the said application the Corporation issued an endorsement stating that till the disposal of the Civil suit filed by the petitioner, the request of the petitioner cannot be considered.

2. The reason given by the Corporation in the endorsement cannot be accepted. If the petitioner approached the Civil Court for the relief, as against the Corporation, the said civil suit cannot come in the way of considering the application for ^{Sanction of plan} ~~an injunction~~ ^{tion}. In my opinion, there is no reason for the Corporation not to consider the application of the petitioner for sanction of plan on account of the pendency of the suit. Accordingly I pass the following -

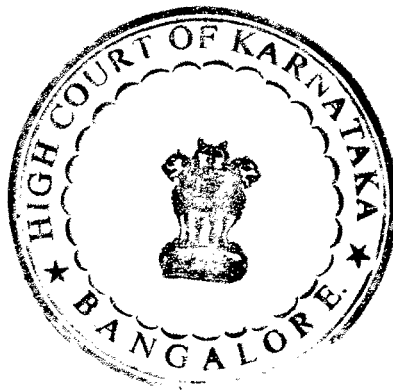
3.

ORDER.

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Writ petition is allowed.

The endorsement dated 9.10.97 issued by the Corporation produced as Annexure-F is quashed. The respondent-Corporation is directed to consider the request of the petitioner for sanction of building plan in accordance with law.



Sd/-
JUDGE

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